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10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA • SAN DIEGO

12 DAVID SANTOYO,

13 Plaintiff,

14 vs.

15 MANUEL SOTO, JR., JAMES
16 SILBERMAN, JUAN RAMON SALAZAR,
17 AND DOES 1 TO 10,

18 Defendants.

Case No. 08-CV-1000 W BLM

Assigned to Hon. Thomas J. Whelan
Courtroom 7

**DEFENDANT MANUEL SOTO, JR.'S
REQUEST FOR JUDICIAL NOTICE**

19
20 Defendant Manuel Soto, Jr., by and through his attorney, hereby requests the Court to
21 take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts:

22 1. The body of water called Senator Wash Reservoir is located entirely within the
23 State of California and is completely land-locked. Attached hereto as Exhibit A is a copy of a
24 map from the United States Department of the Interior, Bureau of Land Management, which
25 depicts the location of Senator Wash Reservoir at coordinates E2 to F2, entirely west of the
26 Arizona-California border.

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1 2. The Court of Appeals of Arizona has found that Senator Wash Reservoir is
2 located in the State of California and is used for swimming. Attached hereto as Exhibit B is a
3 copy of the court's opinion in Cano v. Neill, 473 P.2d 487 (Ariz. Ct. App. 1970).

4 3. The characteristics of Senator Wash Reservoir and Senator Wash Dam as set
5 forth by the United States Department of the Interior, Bureau of Reclamation. Attached hereto
6 as Exhibit C is the Bureau of Reclamation Annual Operating Plan for Colorado River
7 Reservoirs (2006), available at [http://www.usbr.gov/lc/region/g4000/AOP2006/-](http://www.usbr.gov/lc/region/g4000/AOP2006/-aop06_final.pdf)
8 [aop06_final.pdf](http://www.usbr.gov/lc/region/g4000/AOP2006/-aop06_final.pdf) (last accessed July 24, 2008), which sets forth the characteristics of Senator
9 Wash Reservoir on page 24. Attached hereto as Exhibit D is a copy of the Bureau of
10 Reclamation website "Colorado River Front Work and Levee System," available at
11 <http://www.usbr.gov/dataweb/html/fwls.html> (last accessed July 14, 2008), which sets forth
12 the characteristics of Senator Wash Dam and Senator Wash Reservoir on pages 5 to 6 of the
13 printout.

14
15 DATED: July 14, 2008

SANDS LERNER

16
17 By: 

18 NEIL S. LERNER
19 ARTHUR A. SEVERANCE
20 Attorneys for Defendant,
21 MANUEL SOTO, JR.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 12400 Wilshire Boulevard, Suite 1300, Los Angeles, California, 90025.

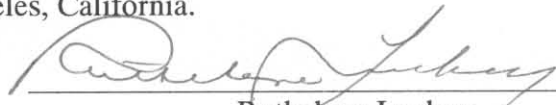
On **July 14, 2008** I served the foregoing documents described as:

DEFENDANT MANUEL SOTO, JR.'S REQUEST FOR JUDICIAL NOTICE
on the interested parties in this action:

See attached Service List

- ☒ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ (BY FACSIMILE) I am responsible for service by facsimile to the above addresses.
- ☐ (PERSONAL) I delivered such envelope by hand to the offices of the addressee.
- ☐ (BY FEDERAL EXPRESS) I am responsible for service by Federal Express to the above address with guaranteed delivery by 10:00 a.m. on _____.
- ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **July 14, 2008** at Los Angeles, California.


Ruthelene Luckey

SERVICE LIST

David Santoyo, Jr. v. Manuel Soto, Jr.

USDC-Southern (San Diego) Case No. 08-CV-1000 W BLM

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Mailing Information for a Case 3:08-cv-01000-W-BLM

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- (No e-mail recipients)

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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